

REMARKS

In a Final Office Action mailed on July 22, 2002, claims 23 and 24 were rejected under 35 U.S.C. § 112, second paragraph; claims 1, 5, 6, 10, 11, 13, 15, 16 and 18-20 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Zdepski in view of Schneier; claims 2, 3, 7, 8, 14, 17 and 21-26 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Zdepski and Schneier in view of Dwork; claims 4 and 9 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Zdepski and Schneier; and claims 5 and 12 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Schneier and Zdepski in view of Linehan. Claim 23 has been amended to overcome the § 112 rejections of claims 23 and 24. The amendment to claim 23 is consistent with the Examiner's interpretation of claim 23, as set forth on page 2 of the Final Office Action. Therefore, entry of this amendment is requested. The § 103 rejections are discussed below.

In response to the arguments presented in the First Reply, the Examiner correctly states that obviousness can only be established when there is some teaching, suggestion or motivation to do so. However, "obviousness cannot be predicated on what is unknown." *In re Spormann*, 363 F.2d 444, 448, 150 USPQ 449, 452 (CCPA 1966). Thus, for purposes of establishing a *prima facie* case of obviousness, the Examiner must provide support for the alleged suggestion or motivation. This means that the Examiner must point out specific language of a cited reference that allegedly shows a suggestion or motivation for the combination of Schneier and Zdepski, the two references combined for every § 103 rejection. *Ex parte Gambogi*, 62 USPQ2d 1209, 1212 (Bd. Pat. App. & Int. 2001); *In re Rijckaert*, 28 USPQ2d 1955, 1957 (Fed. Cir. 1993); M.P.E.P. § 2143. Without such a specific citation, the Applicant is deprived of an opportunity to challenge the alleged suggestion or motivation. Of course, specific support for the various three-way combinations used in the other § 103 rejections must also be set forth by the Examiner.

Thus, for at least the reason that the Examiner has not provided support for the alleged suggestion or motivation to combine Schneier and Zdepski, a *prima facie* case of obviousness has not been established for any of the claims, and therefore, withdrawal of the § 103(a) rejections of claims 1-26 is requested.

The Examiner fails to establish a *prima facie* case of obviousness for the additional reason that none of the cited references teaches or suggests encrypting an identifier that identifies a computer system (claims 1 and 6), a processor-based system (claim 10) or a microprocessor (claim 15). The Examiner contends, "the subscriber platform and identification are both associated with the subscriber and hence associated with each other," and further adds, "as such, the subscriber identification identifies the subscriber platform." Final Office Action, 3. However, the Examiner has no support for this conclusion, as no specific language of Zdepski supports this conclusion. In this manner, Zdepski neither teaches nor suggests that the subscriber identification identifies a subscriber platform or that the subscriber identification is somehow correlated to the subscriber platform. As noted above, "obviousness cannot be predicated on what is unknown." *In re Spormann*, 150 USPQ at 452. Therefore, for at least this additional independent reason, a *prima facie* case of obviousness for rejecting claims 1-26 has not been established.

Thus, for at least the reasons stated above, withdrawal of the § 103(a) rejections of claims 1-26 is requested.

In the rejection of the claims 21-26 added in the last Reply, the Examiner takes official notice that the use of microprocessors "is old and well-known." However, even with this recognition, Dwork does not supply the missing claim limitations. In this manner, the Examiner refers to no language of Dwork that supports the proposition that a processor number identifies a microprocessor (claims 23 and 25) or teaches that a processor number uniquely identifies a microprocessor (claims 24 and 26). Thus, claims 21-26 are patentable for at least these additional independent reasons.

CONCLUSION

In view of the foregoing, withdrawal of the rejections of the claims and a favorable action in the form of a Notice of Allowance are requested. The Commissioner is authorized to pay any additional fees or credit any overpayment to Deposit Account No. 20-1504 (ITL.0160US).

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APPENDIX

Claim 23 has been amended as follows:

23. (Amended) The computer system of claim 7, wherein the processor number identifies a microprocessor of the apparatus [first computer system].